GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Labour Factories Boilers and Insurance Medical Services Department – ACTS and RULES - The Jan Vishwas (Amendment of Provisions) Act, 2023 – The Boiler Act, 1923 – "The Andhra Pradesh Boiler Penalty Adjudication and Appeal Rules, 2025" – Notification – Orders – Issued.

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LABOUR FACTORIES BOILERS & INSURANCE MEDICAL SERVICES (BOILERS & COORDN.) DEPARTMENT

G.O.MS.No. 6 Dated: 13-03-2025

Read the Following:

1. The Jan Vishwas (Amendment of Provisions) Act, 2023, dated.11.08.2023 of Ministry of Law and Justice (Legislative Department), New Delhi.
2. Lr.No.P-30013/1/2020-Boiler, dated.25.04.2024 & 09.05.21024 of Ministry of Commerce and Industry, DPIIT, New Delhi.
3. From the Director of Boilers, AP, Vijayawada,Lr.No.C3/5237/2024, Dated:25-10-2024.

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ORDER:

The Government of India has notified "The Jan Vishwas (Amendment) of Provisions) Act, 2023 in the Act first read above. Further the Government of India in their letter second read above, has informed the State Governments to frame necessary rules under clause (ha) and clause (hb) of sub- section (1) of section 29 of the Boilers Act, 1923.

2. Accordingly, in the letter third read above, the Director of Boilers, AP, vijayawada has submitted proposals requesting the Government for issue of rules of "The Andhra Pradesh Boiler Penalty Adjudication and Appeal Rules, 2025" .

3. Government after careful examination of the matter hereby issues "the Andhra Pradesh Boiler Penalty Adjudication and Appeal Rules, 2025" .

4. Accordingly, the following notification will be published in an Extra-ordinary Issue of the A.P.Gazette .

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 29 and clauses (ha) and (hb) of sub-section (1) of section 29 read with section 26A and 26B of the Boilers Act, 1923 (Central A c t N o . 5 of 1923), the Government of Andhra Pradesh hereby makes the following rules, namely ;

" The Andhra Pradesh Boiler penalty Adjudication and Appeal Rules 2025"

1. **Short title and commencement**. - (1) These Rules may be called the Andhra Pradesh Boiler penalty Adjudication and Appeal Rules 2025.

(P.T.O)

(2) They shall come into force with effect from the date of their publication in the Andhra Pradesh Gazette.

2. Definitions. - (1) In these rules, unless the context otherwise requires,

(a) "Act" means the Boilers Act, 1923 (Central Act No. 5 of 1923);

(b) “Adjudicating Officer” means a person authorized as the Adjudicating Officer authorized under sub- section (1) of section 26A of the Act;

(c) “Appellate Authority” means a person authorized as the Appellate Authority under sub- section (1) of section 26B of the Act;

(d) "Director of Boilers” means a person appointed to be a Chief Inspector under the Act;

(e) "Inquiry" means the inquiry mentioned in section 26A of the Act;

(f) “Inspector” means a person appointed to be an Inspector under the Act;

(g) “Owner” shall have a meaning assign to it under clause (d) of section 2 of the Act;

(2) Words and expressions used and not defined in these rules, but defined in the Act shall have the same meanings respectively assigned to them in that Act.

3. Applicability of rules: These rules shall be applicable in the entire state of Andhra Pradesh.

4. Adjudication proceedings under section 26A. - (1) On receipt of a report from the Inspector, the Director Of Boilers shall examine the case according to the provisions of the Act, rules and regulations made there under which the owner(s) has been charged as to whether the contraventions are punishable with penalty under sections 22, 23, sub-section (1) of section 25 or section 30 of the Act or no contravention is established.

(2) If the Director of Boilers decides that such contravention is punishable with penalty under sections 22, 23, sub-section (1) of section 25 or section 30 of the Act, he shall cause and authorize the Inspector to file with the Adjudicating Officer, an application for adjudication of the offense alleged to have been committed by the person in respect of which the report has been received.

(3) On receipt of the communication from the Director of Boilers authorizing the filing of the adjudication application, the Inspector shall file the application for adjudication with the Adjudicating Officer for adjudication of the contravention alleged to have been committed.

(4) On receipt of the application for adjudication from the Inspector, the Adjudicating Officer shall commence the inquiry proceedings under section 26A of the Act.

(5) For holding an inquiry for the purpose of adjudication under section 26A of the Act as to whether any owner(s) has or have committed contravention of any of the provisions of sections 22, 23, sub-section (1) of section 25 or section 30 o f the Act in respect of which the contravention is alleged to have been committed, the Adjudicating Officer shall, in the first instance, issue a notice to such owner(s) giving him or them an opportunity for hearing in the matter within a period of one (1) month.

(6) The notice to such owners(s) shall indicate the nature of offense alleged to have been committed by him or them, the sections of the Act alleged to have been on contravened, and the date of hearing of the matter. A copy of the report of the Inspector shall also be annexed to such notice.

(7) On the date fixed for hearing, the Adjudicating Officer shall explain to the owner(s) or to his authorized representative, the offense alleged to have been committed by such person, indicating the provision of the Act in respect of which the contravention is alleged to have taken place.

(8) The Adjudicating Officer shall then give an opportunity to such owner(s) to produce such documents or evidence as he may consider relevant to the inquiry and if necessary, the hearing may be adjourned to a future date.

Provided further that the Adjudicating Officer shall pass the final order within 180 days from the date of first hearing mentioned in sub-rule (7) above.

(9) While holding an inquiry under this rule, the Adjudicating Officer shall have the power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which, in the opinion of the Adjudicating Officer may be useful for or relevant to the subject matter of the inquiry.

(10) If any person fails, neglects or refuses to appear as required by sub-rule (5) and (6) before the Adjudicating Officer, the Adjudicating Officer may proceed with the inquiry in the absence of such person, after recording the reasons for doing so.

(11) If upon consideration of the evidence produced before the Adjudicating Officer, the Adjudicating Officer is satisfied that the owner(s) against whom the Inquiry has been conducted, is liable to penalty under any of the provisions of sections 22, 23, sub-section(1) of section 25 or section 30 o f the Act, he may, by order in writing, impose such penalty as he thinks fit, in accordance with the provisions of the relevant section or sections of the Act.

(12) If, however, the Adjudicating Officer is satisfied that the owner(s) against whom the Inquiry has been conducted for the contravention of provisions of the Act, has or have not been proved beyond doubt, the Adjudicating Officer shall dismiss the case.

(13) Every order made under sub-rule (11) of rule 4 shall specify the provisions of the Act in respect of which the contravention has taken place and shall contain brief reasons for such decision. While imposing penalty, the Adjudicating Officer shall have due regard to the provisions of section 26A of the Act. Such penalty will be remitted in the form of a online Challan Paid at AP CFMS website in favour of Adjudicating Officer of that particular area.

(14) Every such order shall be dated and signed by the Adjudicating Officer.

(15) The Adjudicating Officer shall send a copy of the order made under sub-rules (11) or (12) to the owner(s) against whom the inquiry was conducted and the inspector who has filed the application for adjudication.

(16) A notice or an order issued under these rules shall be served on the owner(s) against whom the adjudication proceedings were held or inquiry has been conducted, in any of the following manner:

(i) by delivering or tendering it to that owner(s) or his duly authorized representative; or

(ii) by sending it to the owner(s) by registered post or speed post to the address of his place of residence or his last known place of residence or the place where he carried on or last carried on, business or personally works or last worked for gain; or

(iii) if it cannot be served in the manner specified under sub-rule (i) or (ii) , by affixing it on the outer door or some other conspicuous part of the premises in which that person resides or is known to have last resided or carried on business or personally works or has worked for gain and written report thereof should be witnessed by two (2) persons.

5. Procedure for Appeal under section 26B of the Act.-(1) An appeal under section 26B of the Act, arising out of a decision of the Adjudicating Officer appointed under section 26A of the Act, shall be filed with the Appellate Authority within a period of sixty (60) days from the date on which the copy of the order against which the appeal is filed, is received by the appellant.

(2) An appeal may be admitted after the expiry of the period of sixty (60) days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(3) The appeal shall be accompanied by a copy of order of Adjudicating Officer issued under sub-rule (11) of rule 4 and a clear statement of facts appealed against, the grounds for appeal and the relevant sections of the Act.

(4) The appeal shall be presented in triplicate by the appellant in person or by his duly authorized agent in writing or by an advocate duly appointed in this behalf or by registered post or speed post and shall be accompanied, wherever applicable, with the stipulated fee.

(5) The appeal sent by post shall be deemed to have been presented to the Appellate Authority on the day it is received.

(6) If on scrutiny, the appeal is found to be in order, it shall be duly registered and given a registration number.

(7) If on scrutiny, the appeal is found to be defective, the same shall, after notice to the party, be returned for compliance and if within twenty one (21) days of receipt of such notice or within such extended time as may be granted, the defect is not rectified, the Appellate Authority, may, for reasons to be recorded in writing, decline to register the appeal.

(8) A copy of the Appeal shall be served by the Appellate Authority on the Respondent as soon as it is registered, by hand delivery or by Registered post or speed post.

(9) On admission of the appeal, the Appellate Authority may call for the records relating to the proceedings from the respective Adjudicating Officer.

(10) Respondent may, within thirty (30) days of service of notice of appeal, file reply on the appeal to the Appellate Authority.

(11) The Appellate Authority may, after giving the parties to the appeal an opportunity of being heard, pass such orders as he may think fit, confirming, setting aside the order appealed against.

(12) The order of the Appellate Authority shall be signed and dated. The Appellate Authority shall have powers to pass interim orders or injunction, subject to reasons to be recorded in writing, which he considers necessary in the interest of justice.

(13) A certified copy of every order passed by the Appellate Authority shall be communicated to the Adjudicating Officer and to the parties, as the case may be.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.VANI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Director of Printing, Stationery & Stores Purchase, AP, Vijayawada.
(with a request to publish the said Notification and
supply 20 copies to the Director of Boilers, A.P., Vijayawada.).
The Director of Boilers, A.P., Vijayawada.
Copy to :The Ministry of Commerce and Industry, DPIIT, New Delhi.
The P.S. to Hon'ble Minister (LFB&IMS)
The P.S. to Special Chief Secretary to Government, LFB&IMS
Law (B) Department.
Sf/Sc.

// FORWARDED :: BY ORDER//

SECTION OFFICER